IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

Crl.Rev.Pet.No. 469 of 2007()

REVN. PETITIONER: PETITIONER

M/S.LOGTECH INFOWAY PVT. LTD.,
T.C.14/730, MUSEUM, NANDAWANAM ROAD,
VIKAS BHAVAN P.O., THIRUVANANTHAPURAM.,
REP. BY SOMASEKHARAN NAIR,
WHO IS THE BOARD OF DIRECTOR OF THE COMPANY.

BY ADV. SRI.R.T.PRADEEP
SRI. V. VIJULAL

RESPONDENTS: COUNTER PETITIONERS

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1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULM.

2. V.RAMKUMAR, PARTNER,
M/S.ACCU SYSTEMS, KUNNIL BUILDINGS,
1ST FLOOR, T.C.26/276-4, VANCHIYOOR,
THIRUVANANTHAPURAM.

3. M/S. ACCU SYSTEMS,
KUNNIL BUILDINGS, 1ST FLOOR,
T.C.26/276-4, VANCHIYOOR,
THIRUVANANTHAPURAM.

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 07/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 469 OF 2007

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Dated this the 7th day of February 2007

O R D E R

The revision petitioner is the complainant in C.M.P. No. 3635/2006 with respect to the offence under section 138 of the Negotiable Instruments Act, in the court of Additional Chief Judicial Magistrate, Thiruvananthapuram. The complaint stands dismissed under section 203 Cr.P.C as the complainant and the counsel were not present and also the defect with respect to the power of attorney was not cured. It is submitted that the clerk incorrectly noted the posting date.

2. In the circumstances, the order of the court below is set aside and the court below is directed to permit the petitioner to further pursue the matter. The revision petitioner shall appear before the court below on 28.02.2007.

The Crl. R.P is allowed accordingly.

K.R. UDAYABHANU, JUDGE.

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